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## UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/779,710	02/09/2001	Yasuhiro Kamimura	381AS/42640RE

## FORMALITIES LETTER



\*OC000000005839282\*

James F McKeown  
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Suite 700  
1200 G Street NW  
Washington, DC 20005-3814

Date Mailed: 03/08/2001



## NOTICE TO FILE MISSING PARTS OF REISSUE APPLICATION

## Filing Date Granted

An application number and filing date have been accorded to this reissue application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$508.
  - \$108 for 6 total claims over 20.
  - \$20 for independent claims over 3.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- Assignee's statement under 37 CFR 3.73(b) establishing ownership of the patent is missing. 37 CFR 1.172 requires that all assignees consenting to the reissue application establish their ownership interest in the patent by filing in the reissue application a statement in accordance with 37 CFR 3.73(b).

05/24/2001 BNGUYEN1 00000002 09779710

- The balance due by applicant is \$ 898.

05/10/2001 DTESSEH1 00000025 09779710

01 FC:101  
02 FC:105  
03 FC:103  
04 FC:102

710.00 OP  
130.00 OP  
108.00 OP  
400.00 OP

01 FC:108 710.00 OP  
02 FC:110 108.00 OP  
03 FC:109 80.00 OP  
Repin. Ref: 05/24/2001 BNGUYEN1 0016045800  
Date: 05/23/01 Name/Number: 09779710  
FC: 704 \$320.00 CR

400.00 copy of this notice **MUST** be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

SECRET  
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Attorney Docket: 381AS/42640RE  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: YASUHIRO KAMIMURA ET AL.

Serial No.: 09/779,710

Filed: FEBRUARY 9, 2001

Title: AIR FLOW RATE CONTROL APPARATUS

SUBMISSION OF MISSING PARTS IN APPLICATION

**Box Missing Parts**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Attached hereto please find:

1. The Notice to File Missing Parts of Application.
2. The executed reissue Declaration, including Assignee's Consent.
3. Preliminary Amendment.
4. A check in the amount of \$1218.00 in payment of the basic filing fee of \$710.00 and the \$508.00 additional claim fee
5. A check in the amount of \$130.00 in payment of the surcharge for late submission of the Declaration.

Please credit any overpayments or charge any additional fees to the Deposit Account of Crowell & Moring, L.L.P., Account Number 05-1323 (Docket #381AS/42640RE). A duplicate copy of this letter is attached.

Respectfully submitted,

May 8, 2001

  
James F. McKeown

Registration No. 25,406

CROWELL & MORING LLP  
1200 G Street, N.W., Suite 700  
Washington, DC 20005  
Telephone No.: (202) 628-8800  
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JFM/ajf

DECLARATION AND POWER OF ATTORNEY  
REISSUE PATENT APPLICATION

As the below named inventors, we hereby declare that our citizenship, residence postal addresses and residences are as stated below; that we verily believe ourselves to be the original, first and joint inventors of the invention entitled:

**AIR FLOW RATE CONTROL APPARATUS**

the specification of which was filed on November 24, 1997 and included original U.S. Patent No. 5,868,114, issued February 9, 1999, and amendments thereto as required by 37 C.F.R. § 1.171 et seq.

We verily believe that, as provided in 37 C.F.R. § 1.175, the original U.S. Patent No. 5,868,114 is partly inoperative because we claimed less than we had a right to claim in the patent, as indicated in particular by the scope of the additional broader claims being submitted herewith as Claims 21-26. The assignee of this patent recently discovered the error and the need for broadened claim coverage upon reviewing the patent.

All errors being corrected in this reissue application up to the time of filing of this Declaration arose without deceptive intent on the part of the Applicant.

We offer to surrender the original patent and/or provide an appropriate affidavit or declaration in the event the same is lost, upon the indication of allowability of the reissue patent application.

We hereby state that we have reviewed and understand the contents of the above-identified Specification, including the Claims, as amended by any amendment referred to above. We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (a).

We hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s) Priority Claimed

<u>07-004673</u> (Number)	<u>Japan</u> (Country)	<u>17 January 1995</u> (Day/Month/Year)	<u>Yes</u>
<u>07-006189</u> (Number)	<u>Japan</u> (Country)	<u>19 January 1995</u> (Day/Month/Year)	

We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 (a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>08/969,708</u> (Application Serial No.)	<u>November 24, 1997</u> (Filing Date)	<u>U.S.P. 5,868,114</u> <u>for which this is</u> <u>reissue appln.</u> (patented _____).
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We hereby appoint as principal attorneys:

Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg. No. 26,269; Gary R. Edwards, Reg. No. 31,824; Jeffrey D. Sanok, Reg. No. 32,169, to prosecute and transact all business in the Patent and Trademark Office connected with this application and any related United States and international applications. Please direct all communications to:

**Evenson, McKeown, Edwards & Lenahan**  
1200 G Street, N.W., Suite 700  
Washington, D.C. 20005  
Telephone: (202) 628-8800  
Facsimile: (202) 628-8844

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

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statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**INVENTOR:** Yasuhiro KAMIMURA  
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\_\_\_\_\_  
Date Signature of 1<sup>st</sup> inventor

**INVENTOR:** Yasushi SASAKI  
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\_\_\_\_\_  
Date Signature of 2<sup>nd</sup> inventor

**INVENTOR:** Sadayuki AOKI  
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Takahagi-shi, Japan

\_\_\_\_\_  
Date Signature of 3<sup>rd</sup> inventor

